

1 **IN THE UNITED STATES DISTRICT COURT**
2
3 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

4 CALIFORNIA SERVICE
5 EMPLOYEES HEALTH &
6 WELFARE TRUST FUND, et al.,

7 Plaintiffs,

8
9 v.

10 A & B MAINTENANCE, INC.,

11 Defendant.
12
13

NO. CO7-4945 TEH

**STIPULATION TO SET ASIDE
ENTRY OF DEFAULT AND
DEFAULT JUDGMENT AND
SCHEDULE AUDIT; ORDER
BASED THEREON**

14 **STIPULATION**
15

16 WHEREAS, upon the application of Plaintiffs CALIFORNIA SERVICE
17 EMPLOYEES HEALTH & WELFARE TRUST FUND, MIKE GARCIA, Trustee,
18 CHARLES GILCHRIST, Trustee and RAYMOND C. NANN, Trustee ("Plaintiffs"),
19 the Clerk entered default against Defendant A&B MAINTENANCE, INC.
20 ("Defendant") on October 26, 2007;
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23 WHEREAS, upon the motion of Plaintiffs the Court entered a partial default
24 judgment against Defendant A&B MAINTENANCE, INC. ("Defendant") on
25 December 21, 2007;
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1 WHEREAS, in connection with the entry of partial default judgment, the Court
2 issued an order on December 21, 2007 that Defendant, among other things, submit to
3 an audit by Plaintiffs no later than 30 days from the date of said order;
4

5 The Plaintiffs and Defendant (collectively, "Parties"), through their respective
6
7 counsels, have agreed to the following:

8 1. Plaintiffs stipulate to set aside the entry of default and partial default
9
10 judgment;

11 2. Defendant shall file and serve a response to Plaintiffs' Complaint within
12
13 48 hours of the Court's execution of the Order based on the herein Stipulation.

14 3. Defendant shall submit to an audit by Plaintiffs no later than January 28,
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16 2008.

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1 4. The Parties jointly request that this Court set a date for the initial case
2 management conference.
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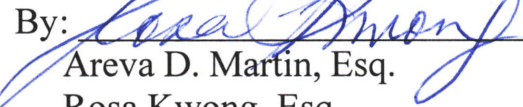
4
5 Dated: January ____, 2008

SALTZMAN & JOHNSON

6
7 By: Signature Page Attached
8 Phillip Miller, Esq.
9 Kristen McCullough, Esq.
10 Attorneys for Plaintiffs
11 CALIFORNIA SERVICE
12 EMPLOYEES HEALTH &
13 WELFARE TRUST FUND, MIKE
14 GARCIA, Trustee, CHARLES
15 GILCHRIST, Trustee and
16 RAYMOND C. NANN.

17
18 Dated: January 23rd, 2008

MARTIN & MARTIN, LLP

19 By: 
20 Areva D. Martin, Esq.
21 Rosa Kwong, Esq.
22 Attorneys for Defendant
23 A&B MAINTENANCE, INC.

24 **IT IS SO ORDERED:**

25 **DATED:**

26 _____
27 **THELTON E. HENDERSON, JUDGE**
28 **UNITED STATES DISTRICT COURT**

The Plaintiffs and Defendant (collectively, "Parties"), through their respective counsels, have agreed to the following:

1. Plaintiffs stipulate to set aside the entry of default and partial default judgment;
2. Defendant shall file and serve a response to Plaintiffs' Complaint within 48 hours of the Court's execution of the Order based on the herein Stipulation.
3. Defendant shall submit to an audit by Plaintiffs no later than January 28, 2008.
4. The Parties jointly request that this Court set a date for the initial case management conference.

DATED: *Jan. 23rd 2008*

SALTZMAN & JOHNSON

By: *Phillip M Miller*

Phillip Miller
Kristen McCullough
Attorneys for Plaintiffs
CALIFORNIA SERVICE
EMPLOYEES HEALTH &
WELFARE TRUST FUND, MIKE
GARCIA, Trustee, CHARLES
GILCHRIST, Trustee and
RAYMOND C. NANN

DATED:

MARTIN & MARTIN, LLP